MONTANA LEGISLATIVE HISTORY

Chapter 150 1991

Bill H _____ S _____ Original bill & history ✓ C

H. Committee on Bus. + Econ. Dev.			S. Committee on Bus. + Ind.		
Hearing Date(s)	2/15	✓ C	Hearing Date(s)	3/7	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____ Yes ✓ No

Committee _____ Report _____

Chapter Page

145 *(House Bill No. 217; Spring)* AN ACT TO REQUIRE THAT THE TRUSTEES OF AN ELEMENTARY SCHOOL DISTRICT LOSING TERRITORY AND CERTAIN OWNERS OF TERRITORY TO BE TRANSFERRED BE GIVEN WRITTEN NOTIFICATION; AND AMENDING SECTION 20-6-213, MCA. 366

146 *(House Bill No. 227; Larson)* AN ACT CLARIFYING PROOF OF ELIGIBILITY TO VOTE FOR RURAL FIRE DISTRICT TRUSTEES; AND AMENDING SECTION 7-33-2106, MCA. 368

147 *(House Bill No. 266; M. Hanson)* AN ACT TO REDEFINE THE TERM "PROSPECTING" IN THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT TO CONFORM WITH FEDERAL REQUIREMENTS; AND AMENDING SECTION 82-4-203, MCA. 369

148 *(House Bill No. 648; Wanzenried)* AN ACT REAUTHORIZING FUNDING FOR THE EVERGREEN WASTEWATER FACILITIES PROJECT; AUTHORIZING FLATHEAD COUNTY AS THE LOAN RECIPIENT; CONTINUING BOND AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 373

149 *(House Bill No. 682; J. DeBruycker)* AN ACT REPEALING SECTION 5, CHAPTER 446, LAWS OF 1989, THAT TERMINATES THE REQUIREMENT THAT SEED DEALERS PROVIDE A BILL OF LADING THAT MUST BE FORWARDED TO THE DEPARTMENT OF AGRICULTURE FOR EACH SHIPMENT OF SEED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. .. 374

150 *(House Bill No. 725; Spring)* AN ACT EXTENDING THE PERMISSIBLE TERM FOR LOANS IN EXCESS OF $1,000 BY CONSUMER LOAN BUSINESSES; AND AMENDING SECTION 32-5-302, MCA. 375

151 *(House Bill No. 756; McCaffree)* AN ACT CHANGING THE NURSERYMEN LICENSE EXPIRATION DATE FROM JULY 1 TO DECEMBER 31; AMENDING SECTION 80-7-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 376

152 *(House Bill No. 854; Foster)* AN ACT TO ALLOW LIFE INSURANCE LONG-TERM CARE PRODUCTS IN MONTANA; AND AMENDING SECTIONS 33-1-208 AND 33-22-1107, MCA. 377

153 *(Senate Bill No. 160; Kennedy)* AN ACT REVISING HOW THE DEPARTMENT OF ADMINISTRATION DISTRIBUTES THE 9-1-1 EMERGENCY TELECOMMUNICATIONS ACCOUNT TO CITIES, COUNTIES, AND 9-1-1 JURISDICTIONS; AMENDING SECTION 10-4-302, MCA; AND PROVIDING AN EFFECTIVE DATE. 381

154 *(Senate Bill No. 179; Pipinich)* AN ACT TO ALLOW THE TRUSTEES OF A SCHOOL DISTRICT TO WAIVE CERTAIN MEETING AND BIDDING REQUIREMENTS WHEN AN UNFORESEEN EMERGENCY OCCURS; AMENDING SECTIONS 20-9-204 AND 20-3-322, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 382

155 *(Senate Bill No. 200; Vaughn)* AN ACT REVISING THE LICENSING, RECORDKEEPING, AND TRAINING REQUIREMENTS FOR HEARING AID DISPENSERS; PROVIDING CONSUMER PROTECTION FOR PURCHASERS OF HEARING AIDS AND RELATED DEVICES; PROVIDING RULEMAKING AUTHORITY TO THE BOARD OF HEARING AID DISPENSERS; AND AMENDING SECTIONS 37-16-301, 37-16-303, 37-16-402, 37-16-403, 37-16-405, 37-16-407, 37-16-408, AND 37-16-411, MCA. 384

156 *(Senate Bill No. 206; Halligan)* AN ACT REVISING THE LAWS RELATING TO THE ADMINISTRATION OF BEER AND WINE LICENSES, SPECIAL LICENSES, AND ALL-BEVERAGES LICENSES; LIMITING CONCURRENT APPLICATIONS FOR THE SAME PREMISES; PROHIBITING FOR 5 YEARS

RETURNED TO HOUSE
4/02 SIGNED BY SPEAKER
4/02 SIGNED BY PRESIDENT
4/02 TRANSMITTED TO GOVERNOR
4/06 SIGNED BY GOVERNOR
CHAPTER NUMBER 372 EFFECTIVE DATE: 10/01/91

HB 725 INTRODUCED BY SPRING, ET AL.
EXTEND PERMISSIBLE TERM OF CERTAIN CONSUMER LOANS

2/08	INTRODUCED		
2/08	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/09	FIRST READING		
2/15	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED		
2/21	PLACED ON ALTERNATIVE CONSENT CALENDAR		
2/23	3RD READING PASSED	96	0
	TRANSMITTED TO SENATE		
2/25	FIRST READING		
2/25	REFERRED TO BUSINESS & INDUSTRY		
3/07	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	49	0
3/13	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/20	SIGNED BY SPEAKER		
3/20	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 150	EFFECTIVE DATE: 10/01/91	

HB 726 INTRODUCED BY BERGSAGEL, ET AL.
GENERALLY REVISE THE UNEMPLOYMENT INSURANCE LAWS
BY REQUEST OF DEPARTMENT OF LABOR & INDUSTRY

2/08	INTRODUCED		
2/08	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/09	FIRST READING		
2/09	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/16	FISCAL NOTE PRINTED		
2/19	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED AS AMENDED	98	1
2/26	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/19	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	47	1
3/25	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/01	SIGNED BY SPEAKER		
4/01	SIGNED BY PRESIDENT		
4/01	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 373	EFFECTIVE DATE: 7/01/91	

HB 727 INTRODUCED BY WYATT, ET AL.
REDUCE THE AGE REQUIREMENT FOR ELIGIBILITY UNDER PERS

HOUSE BILL NO. 725

INTRODUCED BY Spring Gallus Members Lorbud
Tom Nelson Judy Hamilton Howard Tenison

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE PERMISSIBLE TERM FOR LOANS IN EXCESS OF $1,000 BY CONSUMER LOAN BUSINESSES; AND AMENDING SECTION 32-5-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 32-5-302, MCA, is amended to read:

"32-5-302. Installment payment -- contract period. (1) No licensee may enter into any contract of loan:

(a) of $300 or less, exclusive of charges, under which the borrower agrees to make any scheduled repayment of principal more than 21 calendar months from the date of making such contract;

(b) for more than $300 to and including $1,000, exclusive of charges, under which the borrower agrees to make any scheduled repayment of principal more than 25 calendar months from the date of making; or

(c) for more than $1,000 to and including $2,500, exclusive of charges, under which the borrower agrees to make any scheduled repayment of principal more than ~~37~~ 48 calendar months from the date of making.

(2) Every loan contract shall require payment of principal and charges in installments which shall be payable at approximately equal periodic intervals, except that payment dates may be omitted to accommodate borrowers with seasonal incomes. No installment contracted for may be substantially larger than any preceding installment. When a loan contract provides for monthly installments, the first installment may be payable at any time within 45 days of the date of the loan and the charges for the number of days in excess of 30 from the date of making may be added to the scheduled amount of the installments.

(3) The amounts of $300, $1,000, and $2,500 in subsection (1) are subject to change pursuant to the provisions of 32-5-104 on adjustment of dollar amounts."

-End-

INTRODUCED BILL
HB 725

CHAIRMAN--BOB BACHINI
NORMAL SCHEDULE==> SITE: ROOM 312-3 DAYS: M,T,W,T,F TIME: 8:00 A.M.
SECRETARY-JO LAHTI

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES---	COMMITTEE ACTION---	REREFERRED TO COMM---	DATE OUT-
HB0692	2/08				APPROPRIATIONS	
GOULD, BUDD			SCHOOL OF PHARMACY ACCOUNT FROM INCREASED PHARMACY-RELATED LICENSURE FEES			
HB0698	2/08	2/21		PASS AS AMENDED		2/22
SCOTT, JOHN			REVISE TAP ROOM LAW TO INCLUDE BREWERS OF LESS THAN 60,000 BARRELS PER YEAR			
HB0703	2/08	2/22		PASS AS AMENDED		2/23
BRADLEY, DOROTHY			SCIENCE AND TECHNOLOGY INVESTMENT IN VENTURE CAPITAL COMPANIES			
HB0706	2/08				LOCAL GOVERNMENT	
COHEN, BEN			ESTABLISH LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES/GRAVEYARDS			
HB0707	2/08	2/21		NOT PASS AS AMEND		2/22
MENAHAN, RED			ALLOW TV DISTRICTS TO CONSTRUCT CABLE TELEVISION SYSTEM			
HB0719	2/08	2/22		PASS AS AMENDED		2/22
BROWN, DAVE			RESTRICT PERSONS WHO MAY CONDUCT PHYSICAL EXAM OR REVIEW CERTAIN RECORDS			
HB0725	2/08	2/15		DO PASS		2/15
SPRING, JR., WILBUR			EXTEND PERMISSIBLE TERM OF CERTAIN CONSUMER LOANS			
HB0739	2/09	2/20		DO PASS		2/20
RICE, JIM			REVISE REAL PROPERTY REDEMPTION LAWS			
HB0740	2/09	3/07		TABLED ON 03/11		
GRADY, ED			BREWERY PUB BEER LICENSE			
HB0741	2/11	2/18		PASS AS AMENDED		2/19
CROMLEY, BRENT			REVISE NONPROFIT CORPORATION LAW			
HB0742	2/11	3/08		PASS AS AMENDED		3/09
WANZENRIED, DAVID			REVISE BOAT DEALER LAWS			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By **REP. BOB BACHINI, CHAIRMAN,** on February 15, 1991, at 7:00 a.m.

ROLL CALL

Members Present:
- Bob Bachini, Chairman (D)
- Sheila Rice, Vice-Chair (D)
- Joe Barnett (R)
- Steve Benedict (R)
- Brent Cromley (D)
- Tim Dowell (D)
- Alvin Ellis, Jr. (R)
- Stella Jean Hansen (D)
- H.S. "Sonny" Hanson (R)
- Tom Kilpatrick (D)
- Dick Knox (R)
- Don Larson (D)
- Scott McCulloch (D)
- Bob Pavlovich (D)
- John Scott (D)
- Don Steppler (D)
- Rolph Tunby (R)
- Norm Wallin (R)

Staff Present: Paul Verdon, Legislative Council
Jo Lahti, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Executive action would be taken on bills previously heard, and then HB 587, HB 725, HB 538 and HB 261 would be heard.

EXECUTIVE ACTION ON HOUSE BILL 258

REP. BACHINI asked **VICE-CHAIR SHEILA RICE to take the Chair.**

Motion/Vote: **REP. BACHINI** moved amendment #2 on **EXHIBIT 1** be adopted. Amendment #2 was unanimously adopted. He further moved amendment #1 be adopted. This second amendment was requested by Navistar. He asked **Steve Turkiewicz, Montana Auto Dealers Association,** to better explain #1. The amendment intends to exempt trucks 10,000 GVW from the warranty conditions being provided trucks. **REP. WALLIN** explained a 10,000 GVW truck is a light duty truck. In their lines an F-600 would be a medium duty truck, which is a farm truck. The big semis are heavy duty. **REP.**

some are doing business in a 7, 8, 9 county area. It could be a burden to insurance agents to keep track of all this.

Motion/Vote **REP. STEPPLER made a substitute motion to TABLE HB 590. Motion to TABLE HB 590 carried 12-6 with REPS. SCOTT, PAVLOVICH, DOWELL, KILPATRICK, McCULLOCH, HANSEN voting NO.**

HEARING ON HOUSE BILL 587

Presentation and Opening Statement by Sponsor

REP. ROYAL JOHNSON, HD 88, Billings, presented HB 587 on behalf of the Board of Medical Examiners. This bill would provide the date for annual renewal of a nutritionist license be set by the Board of Medical Examiners (BME). It will change the date for imposing an additional fee for late renewal of applications and amend 37-25-307, MCA. All of the renewals have been set up to be renewed at the same time of the year, usually at the end of the year. This puts a strain on the staff. The BME would be allowed to figure a way whereby they can consider the renewals for MDs at one time, the nutritionists at another time, PEs another time, and spread the workload out throughout the whole year. He asked support for HB 587 to help the Department of Commerce, the BME, and the people who work on the licensing issues.

Proponents

Gene Huntington, Montana Dietetic Association, has consulted and worked with the staff of the BME and supports HB 587.

Opponents None

Questions from the Committee None

Closing by Sponsor **REP. JOHNSON closed.**

EXECUTIVE ACTION ON HB 587

Motion/Vote **REP. PAVLOVICH moved HB 587 DO PASS. Motion carried unanimously.**

HEARING ON HOUSE BILL 725

Presentation and Opening Statement by Sponsor

REP. WILBUR SPRING, HD 77, Belgrade, sponsor of HB 725, said it is a small loan bill. It extends the permissible loan term for loans in excess of $1,000 by consumer loan businesses, amends 32-5-302,MCA. It extends the length of time to pay back a $1,000 up to $2,500 loan from 37 months to 48 months.

Proponents

Jerry T. Loendorf, Montana Consumer Finance Association, an association of consumer finance companies, said HB 725 will increase terms for loans from $1,000 to $2,500 by increasing repayment time from 37 months to 48 months. This is a practical matter. There are very few loans made in these amounts for a term of 48 months. This request is made because a few people would like to extend small loans for a longer term thereby reduce the monthly payment. You can't do that for a loan that small without a law because it increases the risk substantially. An example is an automobile loan for $2,500, which is the only amount that can be codified although a loan can be as low as $1,000. For something that doesn't have a very long life, 48 months is quite a long time. An aluminum boat could last another 10 or 20 years and would be eligible for an extended repayment time. This bill is one that is going to apply only in a few situations.

Opponents None

Questions from the Committee

REP. BENEDICT asked **Mr. Loendorf** if he is for or against the bill because he at first talked for the bill and then talked about the risk of extending loan time for something that did not have a very long life. **Mr. Loendorf** answered he is for the bill. The lending institution would have to make that judgment. No other lending institutions under this old law have any type of limitation like that. They take the risk. HB 725 forces them to do so.

Closing by Sponsor

REP. SPRING closed. He said this is an O.K. bill and recommended a Do Pass.

EXECUTIVE ACTION ON HB 725

Motion/Vote **REP. PAVLOVICH moved HB 725 DO PASS. Motion carried unanimously.**

HEARING ON HOUSE BILL 538

Presentation and Opening Statement by Sponsor

REP. DOROTHY BRADLEY, HD 79, Bozeman, sponsored HB 538 which is an act to regulate the price of retail motor fuel at wholesale and retail levels; provide for penalties and remedies for sales in violation of established prices; prohibit unfair practices in the sale of retail motor fuel; and provide an immediate effective date. She asked her constituents to teach her what predatory pricing problems there are in the state. At that time Montana did not have a definite case but there were a number of indicators to her that their suspicions were very possibly based on things that were going on. A 1985 study in the State of Washington found that predatory pricing was taking place. A whole array of proposals

HOUSE OF REPRESENTATIVES

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL DATE Feb. 15, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. JOE BARNETT	✓		
REP. STEVE BENEDICT	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. STELLA JEAN HANSEN	✓		
REP. H.S."SONNY" HANSON	✓		
REP. TOM KILPATRICK	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. BOB PAVLOVICH	✓		
REP. JOHN SCOTT	✓		
REP. DON STEPPLER	✓		
REP. ROLPH TUNBY	✓		
REP. NORM WALLIN	✓		
REP. SHEILA RICE, VICE-CHAIR	✓		
REP. BOB BACHINI, CHAIRMAN	✓		

2:35
2-15-91
~~2-15-91~~
JDB

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 725 (first reading copy -- white) do pass .

Signed: Bob Bachini
Bob Bachini, Chairman

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business & Econ Dev. COMMITTEE BILL NO. HB 725

DATE Feb. 15, 1991 SPONSOR(S) Rep. Spring

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jon T Doucet	Mt Centum Farms 0814	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

CHAIRMAN--J. D. LYNCH
SECRETARY-DARA ANDERSON
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M,T,W,T,F TIME: 10:00 A.M.

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES---	COMMITTEE ACTION---	REREFERRED TO COMM---	DATE OUT-
HB0655	2/27	3/14		CONCUR		3/18
GRADY, ED			AUTHORIZE BELOW GRADE LIQUEFIED PETROLEUM GAS APPLIANCES			
HB0672	2/27	3/14		CONCUR AS AMENDED		3/19
FAGG, RUSSELL			GENERALLY REVISE INSURANCE LAWS; PROVIDING CONSUMER PROTECTION			
HB0683	2/25	3/05		ADVERSE RPT ADOPT		3/05
SIMPKINS, RICHARD			REGULATE USE OF AFTER CRASH PART NOT MADE BY ORIGINAL MANUFACTURER OF AUTO			
HB0698	2/27	3/21		CONCUR AS AMENDED		3/22
SCOTT, JOHN			REVISE TAP ROOM LAW TO INCLUDE BREWERS OF LESS THAN 60,000 BARRELS PER YEAR			
HB0703	2/27	3/20		CONCUR AS AMENDED		3/20
BRADLEY, DOROTHY			SCIENCE AND TECHNOLOGY INVESTMENT IN VENTURE CAPITAL COMPANIES			
HB0719	2/27	3/18		CONCUR AS AMENDED		3/26
BROWN, DAVE			RESTRICT PERSONS WHO MAY CONDUCT PHYSICAL EXAM OR REVIEW CERTAIN RECORDS			
HB0725	2/25	3/07		CONCUR		3/07
SPRING, JR., WILBUR			EXTEND PERMISSIBLE TERM OF CERTAIN CONSUMER LOANS			
HB0735	2/27				JUDICIARY	
MEASURE, BRUCE			REQUIRE INSURER TO REIMBURSE SPECIFIC CLAIMANTS FOR CERTAIN DAMAGES			
HB0739	2/26	3/18		CONCUR AS AMENDED		3/26
RICE, JIM			REVISE REAL PROPERTY REDEMPTION LAWS			
HB0742	3/15	3/20		CONCUR		3/20
WANZENRIED, DAVID			REVISE BOAT DEALER LAWS			
HB0767	2/27	3/19		CONCUR AS AMENDED		3/19
MEASURE, BRUCE			REVISE LAW GOVERNING RESIDENTIAL TENANT'S SECURITY DEPOSITS			

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By Chairman J.D. Lynch, on March 7, 1991, at 10:00 a.m.

ROLL CALL

Members Present:
J.D. Lynch, Chairman (D)
John Jr. Kennedy, Vice Chairman (D)
Betty Bruski (D)
Eve Franklin (D)
Delwyn Gage (R)
Thomas Hager (R)
Jerry Noble (R)
Gene Thayer (R)
Bob Williams (D)

Members Excused: None

Staff Present: Bart Campbell (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 725

Presentation and Opening Statement by Sponsor:

Representative Wilbur Spring, sponsor of the bill, stated that this bill changes two words. It changes thirty seven to forty eight months as the length of time to pay off a loan between one thousand and twenty five hundred dollars.

Proponents' Testimony:

Jerry Loendorf, representing the Montana consumer finance association, stated that the bill extends the permissible term of the loan in the amount of one thousand up to twenty five hundred dollars from thirty seven months to forty eight months. This is a provision that would be little used. Assuming you are talking about an automobile for twenty five hundred dollars, an automobile like this is not likely to last for more than two or three years, so you wouldn't make that type of loan. If you are talking about an aluminum boat that might be ten years old, and

that will last for another ten years, in this situation, you would be willing to make such a loan. Although this is a provision that would be of little use, there are a number of situations where it would be a benefit.

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Representative Spring closed.

HEARING ON HOUSE BILL 279

Presentation and Opening Statement by Sponsor:

Representative Ted Schye, sponsor of the bill, stated that this bill is an act prohibiting the use of automated telephone systems, devices, or facsimile machines for specific purposes. It is a bill that would do away with the recorded messages, not the live operator telemarketing, but the ones that come across that are completely automated. The computer can plug up your answering machines with these messages. Across the United States in the last year and a half to two years, there has been four hundred and fifty bills trying to regulate these computerized calls. This legislation was copied from Wyoming legislation. He proposed an amendment to address the concerns of the telephone companies. They wanted it to be clarified a little more that if a live operator comes on a telemarketing, then they can switch to a recorded message if they have permission from the person there.

Proponents' Testimony:

Russ Cannon, representing the direct marketing association, stated that they are the people who do prepare and deliver these kinds of recorded messages. They have no objections to the bill with the amendments proposed by Representative Schye. This conforms with the direct marketing association's ethics, which requires the prior permission of the live operator before they deliver this type of recorded message.

Dan Walker, representing US West, stated that they support the bill as amended. They have interaction with the industry that does this, and they have taken a position in favor of live operator introduction.

Cathy Brightwell, representing AT&T, stated that AT&T supports regulating automatic dialing devices. Reasonable restrictions are needed to curve this misuse. They can't let

haven't brought in anyone who can say that the law isn't working. This bill, with the amendments, merely involves the consumer advocates. Keep in mind, we are talking about third party. If a dispute arises between a general contractor and a homeowner, the small business person has no recourse. That what this bill is about. This is something that is needed. It isn't going to hurt anyone except the consumer advocates. You are not protecting the consumer advocates, you are protecting mainstreet Montana.

EXECUTIVE ACTION ON HOUSE BILL 725

Motion:

Senator Noble moved that HB 725 be concurred in.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion that HB 725 be concurred in passed unanimously. Senator Williams will carry HB 725 to the floor.

EXECUTIVE ACTION ON HOUSE BILL 279

Motion:

Senator Williams moved to amend HB 279.

Senator Gage moved to amend HB 279 by striking the imprisonment and putting a fine at twenty five hundred dollars.

Senator Noble moved that HB 279 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

The motion made by Senator Williams to amend HB 279 passed unanimously.

Senator Gage stated that maybe they should strike the imprisonment part of the bill and maybe increasing the fine.

The motion made to amend HB 279 by striking the imprisonment and putting a fine at twenty five hundred dollars passed unanimously.

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

DATE 3/7/91

52ND LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BRUSKI	X		
SENATOR FRANKLIN	X		
SENATOR GAGE	X		
SENATOR HAGER	X		
SENATOR NOBLE	X		
SENATOR THAYER	X		
SENATOR WILLIAMS	X		
SENATOR KENNEDY	X		
SENATOR LYNCH	X		

Each day attach to minutes.

DATE 3/7/91

COMMITTEE ON BUSINESS & INDUSTRY

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
GEORGE BENNETT	MONT. BANKERS ASS'N	HB252		X
Bill LEARY	Mont. Bankers Assn	HB252		X
Riley Johnson	Western Building Material	HB252	X	
Bob Pyfer	MT Credit Unions League	HB252		X
Ross Carver	Retail Trade Assn	HB279	X with amendments	
Brad Walterskirchen	Heritage Bank, FSB Gt. Falls	HB 252		X
Jay Forcash	HD #98	HB 252	X	
Robert P. Bon	Flathead Home Builders	HB 252	X	
David Cuel	Helena Area Homebuilders	HB252	X	
Jim Caras	Missoula Homebuilders	HB252	X	
Jim T Lavendoski	MT. Consumer Finance Assn	H725	X	
Dennis T. Green	Mt. Consumer Finance Ass	H725	X	
Roger Tipping	MT Independent Bankers	HB252		X
Cathy Brightwell	AT&T	HB279	X w/ amend	
Jan Walker	US WEST	HB279	w/ Amend	

(Please leave prepared statement with Secretary)

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/7/91 Bill No. HB725 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	V	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON
Secretary

J.D. LYNCH
Chairman

Motion: BE CONCURRED IN - WILLIAMS TO CARRY

SENATE STANDING COMMITTEE REPORT

March 7, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 725 (third reading copy -- blue), respectfully report that House Bill No. 725 be concurred in.

Signed: _____
John "J.D." Lynch, Chairman

3-7-91
Amd. Coord.

SB 3-7 3:40
Sec. of Senate